

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

MICHAEL RAY DAVIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO: CV-05-AR-1885-W
	)	
HOMECOMINGS FINANCIAL	)	
NETWORK, a corp. and EQUIFAX	)	
INFORMATION SERVICES, LLC,	)	
	)	
Defendants.	)	

**Memorandum Opinion**

This is a civil action originally filed by the plaintiff, Michael Ray Davis, against the defendants, Homecomings Financial Network, Inc. (“HFN”) and Equifax Information Services, LLC (“EFX”). The complaint centers around alleged continued false credit reporting by the defendants. Specifically, the complaint, as filed in the Circuit Court of Tuscaloosa County, Alabama, alleges a violation of the Fair Credit Reporting Act, 15 U.S.C.A. §§ 1681-1681u (count one); willfulness and wantonness (count two); negligence (count three); invasion of privacy (count four); outrage (count five); slander of title (count six); and breach of fiduciary duty (count seven). The defendants removed the case to this court on September 7, 2005. (Doc. 1). On February 14, 2006, the plaintiff amended his complaint to add defendant Experian Information Solutions, Inc. (“Experian”). (Doc. 13). Experian was dismissed, pro tanto, on January 3, 2007. (Doc. 45).

The case is before the court on the motions for summary judgment filed by Mr. Davis (doc. 46), EFX (doc. 47), and HFN (doc. 50).

On July 20, 2007, the magistrate recommended that summary judgment be granted in favor of the defendants and against the plaintiff on all counts of the complaint *except* count one to the

extent that count one alleges mental anguish damages and damages under 15 U.S.C. §1681o. In addition, it was recommended that summary judgment be granted in favor of the defendants on the plaintiff's damages claims under 15 U.S.C. §1681n. The magistrate recommended denial of all other requests for summary judgment.

The plaintiff filed objections to the report and recommendation on July 30, 2007. No objections have been filed by the defendants.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law on all counts of the complaint *except* count one to the extent that count one alleges mental anguish damages and damages under 15 U.S.C. §1681o. In addition, there are no genuine issues of material fact and the defendants are entitled to judgment as a matter of law on the plaintiff's damages claims under 15 U.S.C. §1681n. Accordingly, the defendants' motions for summary judgment are due to be GRANTED in part and DENIED in part. The plaintiff's motion for summary judgment is due to be DENIED.

An appropriate order will be entered.

DONE this the 7th day of August, 2007.



WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE